

Message Text

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ACTION EB-08

INFO OCT-01 IO-13 ISO-00 STRE-00 AGRE-00 CEA-01
CIAE-00 COME-00 DODE-00 FRB-03 H-01 INR-10 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05
SS-15 STR-07 ITC-01 TRSE-00 USIA-06 SP-02 SOE-02
OMB-01 DOE-11 /105 W
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FM USMISSION GENEVA
TO SECSTATE WASHDC 6433

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PASS STR ELECTRONICALLY

E.O. 11652: N/A
TAGS: GATT
SUBJECT: GATT NOTIFICATION PROCEDURES

REF: GENEVA 02759

1. IN CONTEXT OF CG-18 DISCUSSIONS ON GATT MONITORING SYSTEM (PARA 3 REFTEL) USDEL MENTIONED THAT IT WOULD BE USEFUL IF SECRETARIAT BROUGHT UP TO DATE ITS INSTRUCTIONS FOR NOTIFICATION PROCEDURES UNDER GATT ARTICLE XXVIII. AT VARIOUS TIMES OVER PAST FEW MONTHS WE HAVE DISCUSSED THIS QUESTION WITH SECRETARIAT, INCLUDING POSSIBILITY OF SECRETARIAT ISSUING SIMILAR GUIDELINES FOR ARTICLE XIX NOTIFICATIONS AS WELL AS DEVELOPING AN ANNUAL LIST OF ALL NOTIFICATION REQUIREMENTS UNDER THE GENERAL AGREEMENT, INCLUDING PROTOCOLS OF ACCESSION, WAIVERS AND SO FORTH.

2. AFTER SOME REFLECTION, SECRETARIAT HAS INDICATED
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THAT, WHILE IT WOULD BE GLAD TO UNDERTAKE SUCH PROJECTS, IT IS RELUCTANT TO DO SO WITHOUT SOME TYPE OF OFFICIAL SANCTION FROM THE CONTRACTING PARTIES. THIS IS PARTICULARLY THE CASE WITH RESPECT TO THE DEVELOPMENT OF REPORTING GUIDELINES FOR ARTICLE XIX NOTIFICATIONS. THE SECRETARIAT BELIEVES THAT TO DO SO WHEN ARTICLE XIX NOTIFICATION PROCEDURES ARE THE SUBJECT OF NEGOTIATIONS

IN THE MTN GROUP SAFEGUARDS WOULD BE INTERPRETED BY SOME, PARTICULARLY THE EC, AS SECRETARIAT INTERFERENCE IN THE NEGOTIATIONS. THE SECRETARIAT IS ESPECIALLY SENSITIVE ON THIS POINT, WE UNDERSTAND, SINCE IT HAD INFORMALLY QUESTIONED THE PROPRIETY OF THE EC NOTIFICATION UNDER ART XIX OF DISCRIMINATORY RESTRAINTS ON IMPORTS OF TVS INTO THE UK.

3. THE SECRETARY THEREFORE SUGGESTS THAT WE RAISE THE QUESTION AT THE NEXT COUNCIL UNDER OTHER BUSINESS.

4. COMMENT: WE BELIEVE IT WOULD BE USEFUL, BOTH FROM THE POINT OF VIEW OF IMPROVING THE FLOW OF INFORMATION TO BE USED IN THE GATT MONITORING SYSTEM AND IN BRINGING MORE ORDER INTO SUCH NOTIFICATIONS FOR THE U.S. TO PROPOSE IN THE GATT COUNCIL THAT THE SECRETARIAT UNDERTAKE TO REISSUE GUIDELINES FOR NOTIFICATIONS UNDER ARTICLE XXVIII AND TO DEVELOP AN ANNUAL LIST OF ALL NOTIFICATION REQUIREMENTS. RATHER THAN DOING THIS UNDER "OTHER BUSINESS" WHERE ACTION WOULD BE DELAYED UNTIL NEXT COUNCIL WE MAY WISH TO INSCRIBE ITEM ON GATT COUNCIL AGENDA AND TO CIRCULATE SHORT PAPER DESCRIBING PROPOSAL AND REASONS FOR MAKING IT SO THAT COUNCIL COULD TAKE DECISION AT MARCH MEETING. WE AND MTN DEL AGREE THAT RAISING QUESTION OF ARTICLE XIX NOTIFICATIONS AT THIS TIME COULD LEAD TO MISINTERPRETATION BY OUR NEGOTIATING PARTNERS AND COULD BE COUNTERPRODUCTIVE.

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VANDEN HEUVEL

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NNN

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